

IP Foreign Filing Considerations

In order to minimize the high costs of filing foreign patent applications, it is useful to define various tiers based on the commercial importance of the invention in question and the markets in which one intends to operate.

An approach that has worked for us is to define 3 tiers as follows:

- Tier 1
 - Only the most commercially important applications where you would file the most broadly. This could mean US, Mexico, selected South American countries, the EPO (covering most major European countries), and potentially several of the following countries: Saudi Arabia, India, China, South Korea, Australia, and Singapore
- Tier 2
 - Medium commercial importance applications and/or those of interest to selected strategic partners of yours. This could mean US, certain South American countries, EPO, and perhaps China
- Tier 3
 - Patents that don't fall into either of the other two categories. Typically US only

Expected filing costs are as follows:

- Mexico, various South American countries, Saudi Arabia, China, etc.... = about \$5-\$7k due to translation costs
- EPO = about \$7-\$10k
- India, Australia, Singapore = \$2-\$3k each (filed in English)
- Japan = \$6-\$8k

These are only general guidelines and one must consider the factors such as their business model, market dynamics, and strategic partnerships to determine the exact strategy that makes most sense for their company.